

STATEMENT OF KENNETH L. WAINSTEIN  
UNITED STATES ATTORNEY  
FOR THE DISTRICT OF COLUMBIA

ON

A FORENSIC LABORATORY FOR THE DISTRICT OF COLUMBIA

SEPTEMBER 22, 2006

Good morning, Chairman Davis, and other members of the Government Reform Committee. Thank you for inviting me to testify today about a forensic laboratory for the District of Columbia.

I am happy to discuss the idea of building a laboratory from the perspective of the chief prosecutor in the District of Columbia, whose office is a primary consumer of the forensics examinations that would be conducted by that laboratory. I want to preface my remarks by saying that I express no opinion on the source of funding for such a laboratory, but instead wish to focus on the law enforcement benefits we would derive from having a forensics laboratory dedicated to working on criminal cases in the District of Columbia.

As you know, the U.S. Attorney's Office for the District of Columbia is unique among all 94 such offices in that it serves as both the federal prosecutor as well as the "local D.A." for the Nation's Capital. In addition to our federal case load, we initiate approximately 22,000 criminal cases each year for prosecution in the Superior Court of the District of Columbia. Particularly in the more serious of those cases — such as homicides, non-fatal shootings, rapes and other sexual offenses, drug crimes, carjackings, and armed robberies — our prosecutors and their law enforcement partners rely heavily on forensics evidence to solve these crimes and to prove our cases beyond a reasonable doubt at trial. That forensic evidence includes hair and fiber analysis,

ballistics testing, fingerprint and handwriting comparison, blood spatter analysis and, perhaps most significantly, DNA analysis.

Currently, these forensic analyses are conducted in several places. Ballistics testing and fingerprint analysis are routinely conducted by the Metropolitan Police Department; the Federal Bureau of Investigation tests DNA samples, hair and fiber evidence, and other trace evidence; and the Drug Enforcement Administration performs chemical analysis on suspected drugs. These agencies have done a tremendous job, but this dispersed system of evidence analysis can and does have an adverse impact on our prosecution efforts.

For example, with regard to the DNA analysis conducted by the FBI, our Superior Court cases go into the mix with the FBI's own cases and those particularly difficult state cases from around the country that have been sent to the FBI. The workload well exceeds the FBI's finite resources, and as a result the processing of our cases by necessity has to be prioritized against the competing needs of these other cases from around the country. In addition, these workload realities mean that the FBI can generally conduct DNA analysis in a case only after an arrest has been made and a trial date is set. Thus, it is the relatively rare occasion when we are able to make use of DNA analysis in the investigative stages of our cases.

From my perspective, a dedicated forensics laboratory in the District of Columbia should go a long way toward addressing these concerns. I believe the establishment of a laboratory would benefit our law enforcement efforts in the following ways:

- It would give us more control over the prioritization of our cases. Without the competing demands of cases from other jurisdictions, we would be better able to schedule and prioritize our forensics analyses to meet the needs of our investigations and trial schedules.

- It would give us the opportunity to tackle the backlog of DNA samples collected in the District of Columbia, and to enter them into appropriate databases for use in the District of Columbia and nationwide.
- It would permit closer coordination among investigators, prosecutors and forensic analysts to solve crimes and bring criminals to justice.
- It would expand our ability to use DNA analysis and other forensic testing in the investigative, pre-arrest stages of our cases.
- It would be an opportunity to upgrade our forensics facilities and equipment, which are lacking in some areas.
- It would allow us to enhance the management and operations of the Medical Examiner's Office, whose work is so critical to the successful prosecution of our homicide cases.
- It would allow us the ability to do our own drug analysis on suspected drugs, which is critical to the successful prosecution of drug related cases.
- Finally, the development of a state-of-the-art facility would help to attract and retain high-caliber staff and managers to run a high-quality forensics program in the District of Columbia.

One doesn't need to watch CSI every week to appreciate the critical role of forensics work in our criminal investigations and prosecutions. As technology progresses — and as jurors increasingly expect to see sophisticated forensics evidence at trial — we are becoming more and more reliant on effective evidence collection and analysis to develop cases and secure convictions in our violent crime prosecutions.

There is no better example of this phenomenon than our neighboring jurisdiction to the west. The Commonwealth of Virginia has shown how enormously valuable DNA databases can

be in crime-solving. Since the creation of its databank in 1992, Virginia has entered over 250,000 samples taken from felons who committed all kinds of crimes. The databank has produced 3,451 “hits,” which have solved 338 murders, 610 sex crimes, and 2,163 burglaries. That is over 3000 very serious crimes, most of which would not have been solved without the DNA technology and databases.

The District needs to catch up. It needs to be able to analyze cases in which there is no identified suspect. This means that both crime scene samples and the offender samples have to be entered into the system to try to make a match. As helpful as the FBI lab has been in making sure we have analyses for trial when there is an identified suspect, it cannot process all of the District’s no-suspect cases and all of the samples for the offender database and still do all of its other work.

While a District of Columbia forensic laboratory will not solve all of our law enforcement challenges, it will go a long way toward making sure that those crimes that can be solved are solved. For the victims of these crimes, their families and the community as a whole, this should be a high priority.

Thank you for inviting me to testify today. I would be pleased to answer any questions you may have.